

IV. REMARKS

Claims 1-20 are pending in this application. By this amendment, claims 1, 10 and 19 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Applicants thank the Examiner for the telephone interview of May 7, 2008, with their representative, Meghan Q. Toner. A proposed amendment was submitted in advance of the interview. In the interview, Applicants' representative discussed features of the claimed invention that Applicants assert are not disclosed by Halviatti, including those features included in the above claims as amended. No agreement was reached on the claims. Applicants have further amended the claims in an attempt to further clarify the differences between the claimed invention and the Halviatti reference.

In the Office Action, claims 1-20 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Halviatti et al. (U.S. Pat. No. 5,475,843), hereinafter "Halviatti." Reconsideration in view of the following remarks is respectfully requested.

With respect to claims 1, 10 and 19, Applicants submit that Halviatti fails to disclose each and every element of the claims, including script translation means for intercepting a call from the automation script to a function simulating a user action on the application, wherein the interception includes accessing a database or file system that is independent from the system under test so that the application's natural run-time execution is protected before, during and after the functional automation executes. (See claim 1, and as similarly recited by claims 10 and

19). Interpreting Halviatti only for purposes of this response, Applicants submit that Halviatti relies on the specific interception of the running application to achieve its goals, therefore not protecting the application's natural run-time execution, including the need to write ATUs (Application Translation Units), which are not necessary in the claimed invention. *See e.g.:*

...the target application is registered with the Message Engine 350. In particular, hooks are installed by a corresponding ATU 340 so that events within the target application of interest are trapped.

Halviatti, Col. 10, lines 43-47. Halviatti further teaches that each event is trapped for processing by an ATU. Col. 10, lines 55-57. This level of interception is intrusive and compromises the execution of the application at run-time. Installing a hook inherently changes an application and adds an extra step in a process, therefore affecting performance time. The hook gets between the application and the system, and therefore inherently must change the natural behavior of the application because the natural timing will be affected. Therefore, while the claimed invention protects the application's run-time execution, Halviatti specifically relies on interference during run-time. In response to the Office's request during the telephone interview discussed above, Applicant has amended the claims to better clarify how the claimed invention protects the application's natural run-time execution, i.e., by accessing a database or file system that is independent from the system under test. Since Halviatti does not disclose protecting the application's natural run-time execution, Applicant respectfully requests that the rejection be withdrawn.

Applicants have also further amended the claims to clarify that the translation means of the claimed invention consists of converting to or from a first natural language to a second natural language. Again, Halviatti does not claim this claimed feature. In Halviatti, the ATU traps events and translates them into abstract messages, or "meta-messages" for conveying

information about a particular event to the system. It does not translate between natural languages. Since Halviatti does not disclose this claimed element, Applicant respectfully requests that the rejection be withdrawn.

With respect to all other dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Each dependent claim is believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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